

REMARKS

I. Introduction

Claims 1-35 stand rejected. Applicant has amended claims 1, 2, and 17-22, and added new claims 36-44. No new matter has been added by the present amendment. The amendment is supported by the originally filed disclosure. Reconsideration of the application in light of the amendment and the remarks given below is respectfully requested.

With respect to the double patenting rejection over the parent application, Applicant respectfully submits the rejection is moot in light of the present amendment. However, if necessary, Applicant is prepared to file a terminal disclaimer at a later date if the double patenting rejection is maintained.

The Applicant thanks the Examiner for pointing out an error in the issued claims of the parent application, which Applicant believes arose due to an error in the Patent Office. Applicant is filing a certificate of correction in parallel with this paper.

II. Rejection of Claims 1-6, 8-9, 13, 16, 21-23, 25, 28-32 under 35 U.S.C. §102(b) over Woodfield

Claim 1 stands rejected under 35 U.S.C. § 102(b) over Woodfield et al. (EP 0 649 102). While disagreeing with the rejection, to expedite prosecution the Applicant has amended claim 1 to recite additional aspects of Applicant's invention and make the claims clearer. Applicant respectfully submits that claim 1 is not anticipated by Woodfield because it does not contain, or even suggest each and every element of Applicant's claim 1.

More specifically, claim 1 recites in part

a wireless gaming device comprising an identification code, entry apparatus for entering wagering information by a player, and a transmitter *transmitting the player's wager information and the identification code in an encrypted form*

Applicant respectfully submits that Woodfield neither teaches nor suggests this claim element. There is no express or implied teaching Woodfield that a transmitter transmits wager information, let alone wager information together with and identification code in an

encrypted form. The only mention of wagering whatsoever located in Woodfield is the paragraph at 15:15, which does not teach or suggest and specifics of transmitting player's wager information and identification codes in an encrypted form. For at least this reason, Woodfield does not anticipate Applicant's claim 1. Withdrawal of the rejection is therefore respectfully requested.

Claims 2-6, 8-9, 13, and 16 depend from claim 1 and thus should be allowable for at least the same reasons as claim 1.

Claim 21 also stands rejected over Woodfield. Claim 21 recites in part "transmitting the identification code and the wagering information in an encrypted form". Again, as discussed above for claim 1, this feature is not taught or suggested in Woodfield. Accordingly, Woodfield does not anticipate claim 21. Withdrawal of the rejection is therefore respectfully requested.

Claims 22-23 and 25 depend from claim 21 and therefore should be allowable for at least the reasons given above for claim 25.

Claim 28 also stands rejected over Woodfield. Claim 28 recites in part "a transmitter receiving the encrypted identification code and wagering information from the processor". As discussed above, there is no teaching or suggestion of encrypted wager information in Woodfield, and accordingly no transmitter receiving such information in order to transmit it. For at least this reason, Woodfield does not teach each and every element of claim 28, and therefore does not anticipate claim 28. Withdrawal of the rejection is therefore respectfully requested.

Claims 29-32 depend from claim 28 and therefore should be allowable for at least the same reasons given above for claim 28.

III. Rejection of Claim 11 under 35 U.S.C. §102(b) and/or 35 U.S.C. §103 over Woodfield

Claim 11 stands rejected under 35 U.S.C. 102(b) and/or 103 in light of Woodfield. Claim 11 depends from claim 1, and thus should be allowable for at least the reasons given above for

its parent, claim 1. The Examiner argues a wager register is inherent in Woodfield. The Applicant respectfully traverses this rejection, because there is nothing that teaches or suggests that this feature is necessarily present in Woodfield. *See* MPEP 2131.02 (to find inherent anticipation, evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference).

The Examiner also argues it would have been obvious to modify Woodfield to the claimed feature “to enable temporarily storing players wager until polled”. However, the Applicant respectfully submits that this is an improper obviousness rejection, using Applicant’s claim as a map for an improper hindsight reconstruction. *See* MPEP 2143.01 (simply because a reference can be modified, does render a claim obvious unless the prior art also suggests the desirability of the proposed modification).

IV. Rejection of Claims 15, 24, 34 under 35 U.S.C. §102(b) and/or 35 U.S.C. §103 over Woodfield in view of Franchi

Claims 15, 24, and 34 stand rejected under 35 U.S.C. 102(b) and/or 35 U.S.C. 103 in light of Woodfield or Woodfield in view of Franchi. These claims depend from claims 1, 21, and 28 respectively, and therefore should be allowable for at least the reasons given above for their parent claims.

V. Rejection of Claims 7 and 14 under 35 U.S.C. §103(a) over Woodfield

Claims 7 and 14 stand rejected under 35 U.S.C. 103(a) over Woodfield. Claims 7 and 14 depend from claim 1 and therefore should be allowable for at least the reasons given above for their parent claim, claim 1.

Moreover, with respect to claim 14, the Examiner has not cited a reference for either the proposed modification, or the motivation to modify Woodfield. Thus Applicant respectfully submits that the Examiner has failed to establish a proper *prima facie* case of obviousness. The obviousness argument which is unsupported by references is improper, and is strong evidence of an improper hindsight reconstruction. *See* MPEP 2143 (the cited prior art must teach or suggest ALL the claim limitations to establish the *prima facie* case of obviousness). To the extent the Examiner is taking official notice, the Applicant traverses the Official Notice and respectfully requests the Examiner cite a reference or provide an affidavit in support of the rejection. *See* MPEP 2144.03.

VI. Rejection of Claims 10, 12, 17-20, 26-27 and 33 under 35 U.S.C. §103(a) over Woodfield in view of Franchi

Claims 10, 12, 17-20, 26-27, and 33 stand rejected under 35 U.S.C. 103(a) over Woodfield in view of Franchi. These claims all depend from claims 1, 21, and 28 and therefore should be allowable for at least the reasons given above for their parent claims.

VII. Rejection of Claims 10, 12, 15, 19-20, 24, 27, 33-34 under 35 U.S.C. §103(a) over Woodfield in view of Koza

Claims 10, 12, 15, 19-20, 24, 27, 33-34 stand rejected under 35 U.S.C. 103(a) over Woodfield in view of Koza. These claims all depend from claims 1, 21, and 28 and therefore should be allowable for at least the reasons given above for their parent claims.

VIII. New claims

New claims 36-44 have been added. Claims 36-43 depend from claims 1 and 28 and therefore should be allowable for at least the same reasons discussed above.

Moreover, the security tag features of claims 36 and 37 are not found in the cited art. These claims should therefore be allowable for at least this additional reason.

New independent claim 44 recites associating a wireless device identification code with a player account balance, and then providing the wireless device to a player. This is not found in the cited art. Claim 44 should therefore be allowable for at least this reason.

IX. Conclusion

In view of the foregoing amendment and remarks, it is respectfully submitted that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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